

PROSKAUER ROSE LLP
 Sally L. Schneider
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UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

-----X	
TRUSTEES of the MASON TENDERS	:
DISTRICT COUNCIL WELFARE FUND,	:
PENSION FUND, ANNUITY FUND and	:
TRAINING PROGRAM FUND,	:
	:
Plaintiffs,	:
	:
- against -	:
FIRST CHOICE CONSTRUCTION SERVICES, INC.,	:
	:
Defendant.	:
-----X	

**NOTICE OF MOTION FOR
 JUDGMENT BY DEFAULT
 AGAINST DEFENDANT**

SIRS:

PLEASE TAKE NOTICE that upon the Affidavit of Sally L. Schneider, sworn to on August 7, 2008, and the exhibits attached thereto, the Affidavit of David Bolger, sworn to on August 5, 2008, and the exhibit attached thereto, the Affidavit of Dominick Giammona, sworn to on July 31, 2008, and the exhibits attached thereto, and the Clerk's Certificate of Default, all of which are submitted herewith, and upon all papers and proceedings heretofore had herein, the undersigned will move this Court before the Honorable Victor Marrero, U.S.D.J., at the United States Courthouse, 500 Pearl Street, New York, New York 10007 in Courtroom 20 B, on August 22, 2008 at 10:00 a.m., or as soon thereafter as counsel can be heard, for entry of a Judgment in favor of plaintiffs Mason Tenders District Council Welfare Fund, Pension Fund, Annuity Fund and Training Program Fund ("Funds") and against defendant First Choice Construction Services, Inc. in the liquidated amount of \$116,262.80 for delinquent fringe benefit contributions, dues checkoffs and PAC contributions, plus interest, liquidated damages, reasonable attorneys' fees and costs; and directing defendant First Choice Construction Services, Inc. to permit and

cooperate in the conduct of an audit of its books and records for the period January 1, 2005 through November 30, 2007; and permitting plaintiffs to amend said judgment to include the additional amounts, if any, determined to be due and owing by the aforesaid audit, together with any additional interest and liquidated damages due, audit costs, and further attorneys' fees and costs upon fifteen (15) days written notice to defendant First Choice Construction Services, Inc.

Dated: New York, New York
August 8, 2008

PROSKAUER ROSE LLP
Attorneys for Plaintiffs

By: /s/ Sally L. Schneider
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TO: First Choice Construction Services, Inc.
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